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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

KRISTIN K. MAYES, Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

2009 JUL 20 A 8:02

IN THE MATTER OF THE APPLICATION OF  
JOHNSON UTILITIES, L.L.C., DBA JOHNSON  
UTILITIES COMPANY FOR AN INCREASE IN  
ITS WATER AND WASTEWATER RATES FOR  
CUSTOMERS WITHIN PINAL COUNTY,  
ARIZONA.

DOCKET NO. WS-02987A-08-0180

PROCEDURAL ORDER

**BY THE COMMISSION:**

On March 31, 2008, Johnson Utilities, LLC, dba Johnson Utilities Company ("Johnson") filed with the Arizona Corporation Commission ("Commission") an application for increases in its water and wastewater utility rates.

A procedural conference was set to be held on July 17, 2009, commencing at 1:30 p.m., for the purpose of taking oral argument on the issues raised in the parties' briefings on the admissibility of a transcript of a recorded conversation between Swing First Golf, LLC (Swing First") witness Mr. David Ashton and Johnson employee Mr. Gary Larson.

On the morning of July 17, 2009, counsel for Swing First contacted the Hearing Division to request authority to participate telephonically in the oral argument due to an unforeseen medical issue. Counsel for Swing First also informed the Hearing Division that counsel for the Town of Florence would not be in attendance for the scheduled oral argument.

Subsequently, on July 17, 2009, at 10:30 a.m., a telephonic procedural conference was held to address the issue. Counsel for Johnson, Swing First, the Residential Utility Consumer Office, and the Commission's Utilities Division attended.

At the telephonic procedural conference, counsel for the parties were informed that under the circumstances, the oral argument would be continued to a later date.

IT IS THEREFORE ORDERED that the procedural conference originally scheduled for July 17, 2009, is hereby **continued to July 23, 2009, at 10:00 a.m. or as soon thereafter as practicable,**

1 at the Commission's Phoenix offices, Hearing Room #1, for the purpose of taking oral argument on  
2 the issues raised in the parties' briefings on the admissibility of the transcript.

3 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
4 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission  
5 *pro hac vice*.

6 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
7 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
8 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances  
9 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is  
10 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the  
11 Administrative Law Judge or the Commission.

12 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
13 Communications) continues to apply to this proceeding and shall remain in effect until the  
14 Commission's Decision in this matter is final and non-appealable.

15 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
16 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

17 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
18 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
19 hearing.

20 DATED this 20<sup>th</sup> day of July, 2009.

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23  
24   
25 TEENA WOLLEE  
ADMINISTRATIVE LAW JUDGE  
26 ...  
27 ...  
28 ...

Copies of the foregoing mailed/delivered  
this 20th day of July, 2009 to:

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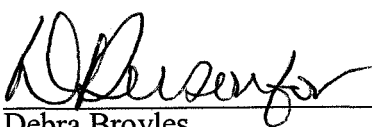
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By:   
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